IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 14097 of 2005**

Between:

Duvvuri Janardhan Reddy, S/o. Venkatarami Reddy,
Nellore District.

**..... PETITIONER**

AND

1 State of Andhra Pradesh, rep. by its Joint Collector,
Nellore -524 001
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Chittamuru Village, Mallam Mandal Nellore

District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the proceedings bearing No 3792 of 2005 dt. 18-6-2005 of the 1st Respondent herein rejecting to grant stay pending appeal filed by the petitioner aggrieved by the Proceedings Rc.A. 2709/2004 dt. 8-4- 2005 of the 2nd Respondent herein as arbitrary illegal capricious and apart from gross abuse of powers under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 & Act 9 of 1977 and consequently direct the Respondents herein not to dispossess the petitioner herein from the lands mentioned in proceedings bearing Rc.A.No. 2709/2004 dt. 8-4-2005.

**Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following :**

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**ORDER:**

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This writ petition is filed aggrieved by the order of the first respondent in proceedings Rc.E8.3792/2005 dated 18-06-2005 rejecting to grant stay pending appeal filed by the petitioner aggrieved by the proceedings Rc.A.2709/2004 dated 08-04-2005 of the second respondent.

2. The learned counsel for the petitioner submits that the order passed by the first respondent is contrary to the orders passed by the Division Bench of this Court in W.A.No.1017 of 2005 dated 17-05-2005, wherein a Division Bench of this Court directed the third respondent to furnish the relevant proceedings or the particulars of the surplus lands in question within four weeks from the date of receipt of a copy of that order. The petitioner-appellant therein was permitted to file an appeal along with an application seeking stay within two weeks from the date of receipt of a copy of that order. The learned counsel further submits that second respondent, not satisfying with the explanation filed by the petitioner, vide order dated 08-04-2005 confirmed its orders dated 28-11-2004 restoring the land in Sy.No.60-20 etc., of Kothapalem village of Chittamuru Mandal measuring an extent of Acs.24.19 cents to the original allottees and to the legal heirs of the deceased allottees. As against the same, on 19-05-2005 an appeal was preferred by the petitioner before the Joint Collector. While entertaining the appeal, the Joint Collector refused to stay the operation of the order passed by the second respondent. Therefore, the present writ petition has been filed.

3. Having regard to the facts and circumstances of the case and especially in view of the fact that the appeal filed by the petitioner is pending consideration before the Joint Collector, Nellore, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the first respondent-Joint Collector, Nellore, to dispose of the appeal filed by the petitioner on 19-05-2005 in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner. Till such time, the respondents are directed not to

dispossess the petitioner from the land in his occupation.

5. The writ petition is disposed of accordingly. No order as to costs.

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ELIPE DHARMA RAO, J.

Dated 01-07-2005.

skmr

.....  REGISTRAR

To

1 The Joint Collector, State of Andhra Pradesh,
Nellore -524 001
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Chittamuru Village, Mallam Mandal Nellore

District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

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